

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

TRUSTEES OF THE PLUMBERS AND
PIPEFITTERS NATIONAL PENSION FUND,
et al.,

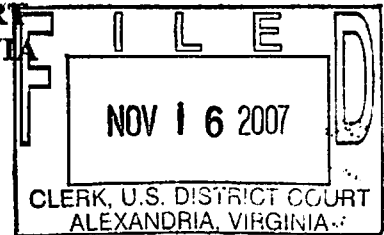
Plaintiffs,

Civil Action No. 1:076cv505

v.

EASTERN ENERY SERVICES, LLC,

Defendant.



CONSENT JUDGMENT AND ORDER

Upon agreement of the parties, Plaintiffs, Trustees of the Plumbers and Pipefitters National Pension Fund and Trustees of the International Training Fund, and Defendant, Eastern Energy Services, LLC hereby stipulates to entry of judgment in favor of Plaintiffs and against Defendant, as set forth herein:

WHEREFORE, this ____ day of _____, 2007, Judgment is hereby entered in favor of Plaintiffs and against Defendant; and it is

FURTHER ORDERED, that Defendant acknowledges that Defendant is signatory to the Collective Bargaining Agreement in Local 777 and obligated to submit reports and contributions to the National Pension Fund and International Training Fund;

FURTHER ORDERED, that Plaintiffs are awarded, and Defendant shall pay to Plaintiffs, \$36,041.25 in delinquent monthly contributions to the National Pension Fund for the months of May 2007 through July 2007 and remaining unpaid (Exhibit A); and it is

FURTHER ORDERED, that Plaintiffs are awarded, and Defendant shall pay to Plaintiffs, \$526.08 in delinquent monthly contributions to the International Training Fund for the months May 2007 through July 2007 and remaining unpaid (Exhibit A); and it is

FURTHER ORDERED, that Plaintiffs are awarded, and Defendant shall pay to the National Pension Fund, \$2,164.48 in interest, assessed at the rate of 12% per annum through

date of payment or September 30, 2007 and continuing to accrue at the rate of 12% per annum through the date of payment on all unpaid contributions (Exhibit A);

FURTHER ORDERED, that the Plaintiffs are awarded, and Defendant shall pay to the International Training Fund, \$31.61 in interest, assessed at the rate of 12% per annum through date of payment or September 30, 2007 and continuing to accrue at the rate of 12% per annum through the date of payment on all unpaid contributions (Exhibit A);

FURTHER ORDERED, that the Plaintiffs are awarded, and Defendant shall pay to the National Pension Fund, \$8,068.20 in liquidated damages for the months of January 2007 through July 2007 (Exhibit A);

FURTHER ORDERED, that the Plaintiffs are awarded, and Defendant shall pay to the International Training Fund, \$235.63 in liquidated damages for the months of January 2007 through July 2007 (Exhibit A);

FURTHER ORDERED, that Plaintiffs are awarded, and Defendant shall pay to Plaintiffs, \$800.00 in reasonable attorneys' fees and \$546.29 in costs incurred in filing this action;

FURTHER ORDERED, that Defendant shall pay to Plaintiffs any additional attorneys fees and costs incurred by Plaintiffs in enforcing Defendant's contribution obligations or to enforce or execute on this Consent Judgment and Order; and it is

FURTHER ORDERED, that because of Defendant's persistent failure to meet its reporting and payment obligations to Plaintiffs under the terms of its collective bargaining agreement and 29 U.S.C. §1145, Defendant, its officers, agents, servants, employees, representatives, and any persons acting on its behalf are ordered to: (a) file any remittance reports and make payments due the Plaintiffs, on or before the date said payments are due; and (b) make all payments due the Plaintiffs under the terms of this Consent Judgment and Order; and any collective bargaining agreement or as otherwise required by law; and it is

FURTHER ORDERED, that this Consent Judgment and Order is subject to execution in any court of competent jurisdiction, and any and all terms of this Consent Judgment and order may be enforced by Plaintiffs in any court of competent jurisdiction; and it is

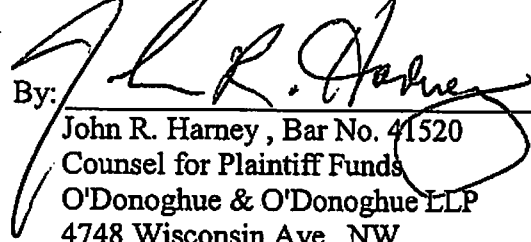
FURTHER ORDERED, that should Defendant fail to comply with any terms of this Consent Judgment and Order, Plaintiffs may, in addition to pursuing remedies provided under Fed. R. Civ. P. 69, reopen this case upon motion to this Court and notice to the Defendant, and may at that time ask for further appropriate monetary relief and/or injunctive relief.

We ask for this:

Dated: _____

For Plaintiffs, Trustees of the Plumbers and Pipefitters National Pension Fund and Trustees of the International Training Fund,

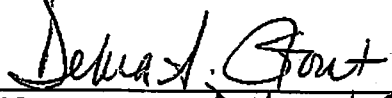
O'DONOGHUE & O'DONOGHUE LLP

By: 
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EASTERN ENERGY SERVICES, LLC

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Dated: 9-4-07

By: 
Print Name: Deborah A. Stout
Title: member

Duly authorized signor for Defendant

SO ORDERED this 16 day of Nov, 2007.

/s/
Claude M. Hilton
United States District Judge

Exhibit A

EASTERN ENERGY SERVICES, LLC

NATIONAL PENSION FUND and INTERNATIONAL TRAINING FUND
Interest Assessed at the Rate of 12% Per Annum
CONTRIBUTIONS, LIQUIDATED DAMAGES AND INTEREST:

<u>FUND</u>	<u>CONTRIB.</u>	<u>LIQUIDATED DAMAGES</u>	<u>INTEREST</u>	<u>TOTAL</u>
Pension	\$36,041.25	\$8,068.20	\$2,164.48	\$46,273.93
Training	\$526.08	\$235.63	\$31.61	\$793.32
Totals:	\$36,567.33	\$8,303.83	\$2,196.09	\$47,067.25
Costs:				\$546.29
Attorneys' Fees:				<u>\$800.00</u>
Grand Total:				\$48,413.54

08/27/2007

EASTERN ENERGY SERVICES, LLC**NATIONAL PENSION FUND**

Interest Assessed at the Rate of 12% Per Annum Through September 30, 2007

CONTRIBUTIONS, LIQUIDATED DAMAGES AND INTEREST:

<u>DATE</u>	<u>CONTRIB. RECEIVED</u>	<u>REPORTS/ NO MONEY</u>	<u>TOTAL CONTRIB. OWED</u>	<u>LIQUIDATED DAMAGES</u>	<u>DAILY INTEREST RATE</u>	<u>DAILY INTEREST</u>	<u>DUE DATE</u>	<u>DATE PAID/ CURRENT DATE</u>	<u>DAYS LATE</u>	<u>TOTAL INTEREST</u>
Jan-07	\$9,964.50		\$0.00	\$996.45	0.033%	\$3.29	20-Feb-07	03-Jul-07	133	\$437.34
Feb-07	\$10,148.25		\$0.00	\$1,014.83	0.033%	\$3.35	20-Mar-07	03-Jul-07	105	\$351.64
Mar-07	\$13,359.50		\$0.00	\$1,335.95	0.033%	\$4.41	20-Apr-07	03-Jul-07	74	\$326.24
Apr-07	\$11,168.50		\$0.00	\$1,116.85	0.033%	\$3.69	20-May-07	14-Aug-07	86	\$316.96
May-07		\$11,228.00	\$11,228.00	\$1,122.80	0.033%	\$3.71	20-Jun-07	15-Sep-07	87	\$322.36
Jun-07		\$14,057.75	\$14,057.75	\$1,405.78	0.033%	\$4.64	20-Jul-07	15-Sep-07	57	\$264.43
Jul-07		\$10,755.50	\$10,755.50	\$1,075.55	0.033%	\$3.55	20-Aug-07	30-Sep-07	41	\$145.52
TOTALS		\$36,041.25	\$36,041.25	\$8,068.20						\$2,164.48

Contributions:
Liquidated Damages:
Interest:

\$36,041.25
\$8,068.20
\$2,164.48

Total:

\$46,273.93

EASTERN ENERGY SERVICES, LLC**INTERNATIONAL TRAINING FUND**

Interest Assessed at the Rate of 12% Per Annum Through September 30, 2007

CONTRIBUTIONS, LIQUIDATED DAMAGES AND INTEREST:

<u>DATE</u>	<u>CONTRIB. RECEIVED</u>	<u>REPORTS/ NO MONEY</u>	<u>TOTAL CONTRIB. OWED</u>	<u>LIQUIDATED DAMAGES</u>	<u>DAILY INTEREST RATE</u>	<u>DAILY INTEREST</u>	<u>DUE DATE</u>	<u>DATE PAID/ CURRENT DATE</u>	<u>DAYS LATE</u>	<u>TOTAL INTEREST</u>
Jan-07	\$145.68		\$0.00	\$29.14	0.033%	\$0.05	20-Feb-07	03-Jul-07	133	\$6.39
Feb-07	\$148.03		\$0.00	\$29.61	0.033%	\$0.05	20-Mar-07	03-Jul-07	105	\$5.13
Mar-07	\$195.80		\$0.00	\$39.16	0.033%	\$0.06	20-Apr-07	03-Jul-07	74	\$4.78
Apr-07	\$162.55		\$0.00	\$32.51	0.033%	\$0.05	20-May-07	14-Aug-07	86	\$4.61
May-07		\$164.20	\$164.20	\$32.84	0.033%	\$0.05	20-Jun-07	15-Sep-07	87	\$4.71
Jun-07		\$204.43	\$204.43	\$40.89	0.033%	\$0.07	20-Jul-07	15-Sep-07	57	\$3.85
Jul-07		\$157.45	\$157.45	\$31.49	0.033%	\$0.05	20-Aug-07	30-Sep-07	41	\$2.13
TOTALS		\$526.08	\$526.08	\$235.63						\$31.61
Contributions:			\$526.08							
Liquidated Damages:			\$235.63							
Interest:			<u>\$31.61</u>							
Total:			\$793.32							

08/27/2007